City of Lafayette
Staff Report
City Council

Meeting Date: April 14, 2025

Staff: Tracy Robinson, Administrative Services Director

Subject: Title VI Program and Implementation

BACKGROUND

Title VI, which was enacted as part of the Civil Rights Act of 1964, prohibits discrimination on the basis of protected status, such as race, color, sex, age, disability and national origin in programs and activities receiving federal financial assistance. Subsequent federal legislation and regulations now require that if any program operated by an agency receives federal funds, the entire agency must comply with Title VI. These regulations also require that the agency appoint a Title VI coordinator and adopt a formal Title VI program.

DISCUSSION

The City periodically receives federal aid through CalTrans on a number of roadway projects. While the City already complies with the non-discrimination provisions of Title VI, we do not have a formal Title VI program nor a designated Title VI coordinator. Based on guidance provided by CalTrans and a review of programs from other cities, the City has prepared a draft program. It is also recommended that the City Manager, who has the ultimate responsibility for all federally funded projects, be designated as the City's Title VI Coordinator.

RECOMMENDATION

Approve Resolution 2025-25 adopting City of Lafayette's Title VI plan appointing the City Manager as the Title VI Coordinator and approving the Title VI Program for the City of Lafayette.

RESOLUTION NO. 2025-25

APPOINTING THE CITY MANAGER AS THE TITLE VI COORDINATOR AND APPROVING THE TITLE VI PROGRAM FOR THE CITY OF LAFAYETTE

WHEREAS, Title VI of the Civil Rights Act of 1964 Title VI, prohibits discrimination on the basis of protected status, such as race, color, sex, age, disability and national origin in programs and activities receiving federal financial assistance; and

WHEREAS, subsequent federal legislation and regulations require that any agency receiving federal funds must comply with Title VI by appointing a Title VI coordinator and adopting a formal Title VI program; and

WHEREAS, the City of Lafayette does receive federal funds for, among other things, transportation improvements and programs; now, therefore, be it

RESOLVED, that the Lafayette City Council hereby appoints the City Manager as the City's Title VI Coordinator and approves the Title VI program presented to the Council.

APPROVED at a regular meeting on April 14, 2025 by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

_____

Susan Candell, MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

ATTEST:

_____

Joanne Robbins, CITY CLERK

City of Lafayette

TITLE VI PROGRAM

City of Lafayette
3675 Mt. Diablo Blvd. #210
Lafayette CA 94549

City of Lafayette Equal Opportunity and Nondiscrimination Policy Statement

It is the policy of the City of Lafayette that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of the City of Lafayette as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

The City of Lafayette is committed to providing equal opportunities to all employees, applicants, residents, customers, and persons doing business with the City and will ensure that people may participate in, enjoy the benefits of, and be free from discrimination under any program or activity it administers without regard to any protected status.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.

_____ _____

City Official Date

I. Summary

The City of Lafayette's mission is to excel at providing quality services for the benefit of all residents while developing, maintaining, and enhancing the resources of the area.

Title VI of the Civil Rights Act of 1964 (Title VI) is a federal law that requires that no person in the United States on the grounds of race, color, or national origin, be excluded from, be denied the benefits or be subjected to discrimination under any program or activity receiving federal financial assistance. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination on the basis of sex. Title VI applies to recipients and sub-recipients of federal financial assistance. The Civil Rights Restoration Act of 1987 makes clear that pursuant to Title VI discrimination is prohibited throughout any department of a local agency that accepts Federal financial assistance.

The City periodically receives federal funding from the Federal Highway Administration (FHWA) and other federal funding sources. As a recipient of federal aid, the City is required to comply with Title VI and the related Department of Transportation regulations (Title 49 CFR Part 21).

The following Title VI Program and Language Assistance Plan was developed to guide the City of Lafayette in its administration and management of Title VI related activities.

II. Introduction

Title VI and Related Authorities – Non-Discrimination Legislation

Title VI of the Civil Rights Act of 1964 states the following: "No person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Section 162(a) of the Federal-Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.) added the requirement that there be no discrimination on the grounds of sex.

The Civil Rights Restoration Act of 1987, P.L. 100-209, provides clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Educational Amendments Act of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973.

Limited English Proficiency (LEP)

Limited English Proficient persons refer to persons for whom English is not their primary language and who have a limited ability to read, write, speak or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well or not at all.

LEP person are entitled to language assistance under Title VI of the Civil Rights Act of 1964, and federal assistance recipients shall take reasonable steps to ensure meaningful access to benefits, services, information and other important portions of their programs and activities.

City Governance

The City is a general law city which operates under the Council-Manager form of government. The City Council consists of five members, elected at large to four-year terms, with the members rotating the roles of Mayor and Vice-Mayor.

III. Title VI Program

Title VI Statement

The City of Lafayette is committed to operating its programs, activities, and services in accordance with Title VI of the Civil Rights Act of 1964 and in such a way that no person shall be excluded from the equal distribution of its services and amenities based on their race, color, national origin, sex, disability, or age. The City has developed a notice to the public informing them of their rights under Title VI. Appendix A includes the Title VI Notice to the Public. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Lafayette, CalTrans and/or Federal Highway Administration. The City's complaint process and complaint forms are included in Appendix B.

The City's objective is to:

- Ensure that the level of quality of its programs, projects and services are provided without regard to race, color, national origin, sex, disability or age;
- Promote the full and fair participation of all affected populations in decision making;
- Prevent the denial, reduction, or delay in federally funded benefits related programs and activities that benefit minority populations or low-income populations; and
- Endeavor to provide meaningful access to programs and activities for persons with Limited English Proficiency.

The City is committed to complying with Title VI requirements for all programs and services delivered to the public. The Title VI Program (Program) serves as a guide and reflection of the commitment to preserving the civil rights for all individual and group benefactors of City programs and services.

Title VI Coordinator

The City's primary Title VI Coordinator, the City Manager, is responsible for the overall Title VI Program. The Title VI Coordinator provides guidance and technical assistance on Title VI matters and has overall program responsibility for preparing reports and developing program procedures. Additional assistance is provided by the Human Resources Manager (e.g., personnel and job applicant issues). The Title VI Coordinator responsibilities include:

a. Promptly processing and resolving Title VI complaints;
b. Collecting demographic data (race, color, national origin) of participants in and beneficiaries of the City's Federal-aid programs, activities, and services;
c. Promptly resolving areas of deficiency;
d. Conducting periodic Title VI audits;
e. Ensuring that Title VI requirements are included in policy directives and that the procedures used have built-in safeguards to prevent discrimination;
f. Coordinating the development and implementation of staff training regarding the City's Title VI program; and
g. Developing and coordinating Title VI information for public dissemination, including where appropriate in languages other than English.

Title VI Requirements

To meet the general requirements of Title VI, the City utilizes the following procedures, as appropriate:

a. Posting Title VI notifications at public counters, on the City's website, and at other appropriate places.
b. Publishing brochures outlining the City's Title VI policies
c. Addressing Title VI discrimination complaints
d. Training staff on Title VI law and requirements
e. Providing access to LEP populations, if and when applicable
f. Providing information and outreach to ensure Disadvantaged Business Enterprise (DBE) involvement in bidding on federally funded contracts
g. Providing contract opportunities on federally funded contracts to minority businesses through the bidding process
h. Meeting environmental justice regulations when applicable
i. Adhering to service standards
j. Including FHWA Form 1273 in all FHWA funded construction contracts

A. Notice of Rights

The City of Lafayette will display the "Notice of Rights" (Appendix A) for public view at various City facilities with customer service counters and on the City's website. The notice states that the City will comply with Title VI and ensures that no person on the grounds of color, race national origin, sex, disability or age will be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs, activities, or services.

B. Complaint Procedures

Any person who believes they have been discriminated against on the basis of race, color, national origin, sex, disability or age by the City of Lafayette may file a Title VI complaint by completing and submitting the City's Title VI Complaint Form. The City investigates complaints received no more than 180 days after the alleged incident. The City will process complaints that are complete.

Once the complaint is received, the City will review it to determine if the City has jurisdiction to resolve the complaint. The complainant will receive an acknowledgement letter informing them whether the complaint will be investigated by the City.

The City will investigate the complaint within 14 days. If more information is needed to resolve the case, the City may contact the complainant. The complainant will be provided 10 business days from the date of any request for additional information to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, the City may administratively close the case. In addition, the City may administratively close a case if the complainant no longer wishes to pursue it.

After the investigator reviews the complaint, they will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and any interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of any staff member, or other action will occur. If the complainant wishes to appeal the decision, they will have 15 days after the date of the closure letter or the LOF to do so.

A person may also file a complaint directly with the Federal Highway Administration.

C. Public Participation Plan

The City is committed to ensuring that projects, programs, and services delivered by the City are sensitive to the various demographic backgrounds within the City. The City Public Participation Plan (PPP) is for use by the City to promote public involvement in the planning and decision-making process of projects, programs, and services.

As a recipient of Federal funding, the City is required to adhere to Title VI of the Civil Rights Act of 1964 and to integrate the PPP into its Title VI Program. This plan provides guidelines for involving the public to ensure that all groups are represented and their needs considered. The City is committed to ensuring it serves the residents and businesses of the City fairly, consistently, and in the most cost-efficient and appropriate manner, within available resources.

Goals and Objectives

The goal of the City's PPP is to offer a variety of opportunities for the public to engage in planning and decision-making activities. To meet this goal, the objectives of the PPP are as follows:

- To determine what non-English languages and/or other barriers, if any, may exist to public participation within the City service area.

- To provide a general notification of meetings for public input, in a manner that is understandable to the public.
- To hold meetings in locations that are accessible to City residents, including, but not limited to minority, Limited English Proficiency (LEP), and low-income residents.
- To utilize a variety of communication methods, as feasible and appropriate, to capture public input from populations that are not likely to attend or engage in public meetings.

Stakeholders

Limited English Proficiency Populations

Outreach to LEP individuals will be further detailed in the Language Assistance Plan section below.

Low-Income Populations

The City will identify low-income populations within the service area. The low-income threshold is defined as households with a per capita income of 80 percent or less of the national average. Low-income populations in the City will be given reasonable opportunity to provide input on plans and programs impacting such populations to avoid disproportionate harm or lack of benefit.

Public Comment Process Offered by the City Council

The public has a right to express their opinion during the regular Council meetings held the second and fourth Monday of every month. Council meetings have typically been held at 7:00 p.m. in the Don Tatzin Community Hall. In addition, Council meetings are live-streamed via Zoom where participants can also comment, and on YouTube. For the most current information regarding the City Council schedule and their meeting, check the City' s website at www.lovelafayette.org.

Outreach Efforts

Engaging minority and LEP populations can be challenging, and the City will use multiple techniques to actively solicit policy input in the planning process, as appropriate, for projects that impact these communities. The City will engage the community through outreach efforts such as the City's website, social media, community centers, public parks, and recreation areas within the communities. The City staff and/or a contracted non-English language interpreter are available upon reasonable request to attend community meetings to inform residents of the City's services and provide them an opportunity to express their input in a language they are comfortable communicating in upon request.

As determined applicable, appropriate techniques among the following may be used to inform, educate, and gain input from the public about the City's projects, services, or activities:

- Surveys or questionnaires - mail-in, online, telephone, personal interview
- Articles or press releases in the appropriate publications
- Timely consultation with advisory committees
- Distribution of informal reports, flyers, or brochures
- Informal presentations at community forums
- Information about meetings, public hearings, and special events on the City's website
- Direct mailings to those expressing interest in or commenting about certain topics and requesting such direct mailings
- General mailings with posters and flyers to area post offices and appropriate agencies, offices, and organizations for distribution to citizens

D. Environmental Justice

As may be appropriate, the City will identify and address the environmental effects of federally-funded programs, policies, and activities on minority and low-income populations. The City will consider demographic data into their project design and involve the public in the planning and development process for projects that impact such communities to assess the environmental impacts of projects on the community. The public's input and data analysis enable the City to develop measures to mitigate any potential adverse effects on minority and low-income populations. The City is not required to conduct environmental justice analyses of projects where NEPA documentation is not required, or if not otherwise required by federal directive or regulation.

IV. Language Assistance Plan

Plan Purpose

The purpose of this Language Assistance Plan is to identify reasonable steps to provide language assistance for Limited English Proficiency (LEP) persons who seek meaningful access to City services as required by Title VI, and as determined appropriate. The City of Lafayette will ensure that individuals have meaningful access to its programs, activities, and services by developing and carrying out the Language Assistance Plan herein.

The City has determined that there are currently not a sufficient number of LEP persons to warrant any special programs at this time. This determination is based on the following information:

- The 2021 US Census Data results for Lafayette show that for all citizens aged 18 years and older, the percentage who speak English less than "very well" is below 5%.
- The City also applied the **U**.S. Department of Transportation's four-factor LEP analysis, which considers the following factors:
    - The number or proportion of LEP persons served or encountered in the eligible service population. The Department of Justice's Safe Harbor Provision stipulates that

translations of vital documents should be available for LEP populations that comprise five percent of the general population or 1,000 persons, whichever is lowest. The City does not have any LEP populations meeting that threshold.

- The frequency with which LEP persons come into contact with City programs, activities and services. Based on personal experience of City staff with over 20 years of experience with the City in HR, City Clerk and Public works, the City has had on average only once instance per year where an individual has had a language barrier.
- The nature and importance of the programs provided by the City to LEP persons. The City of Lafayette receives Federal Aid for projects that enhance safety for motorists, pedestrians and bicyclists.
- Resources available for LEP outreach. The City has typically had staff capable of providing basic translation and interpretation. The City Clerk has identified resources available for more complex translation and interpretation needs.

The City will continue to monitor the language needs of the community, utilizing the tools described above.

V. Training

The City will provide Title VI training to appropriate Staff. These trainings will be offered at minimum every two years. Trainings will be offered online or through an instructor-led class. Additional resources are provided on the City's website to enhance the learning objectives. The following components will be covered to ensure compliance:

- Understanding the Title VI Policy and LEP responsibilities
- Language assistance that the City offers
- Documentation of language assistance requests
- How to handle a Title VI and/or LEP complaint

VI. Annual Work Plan (Goal and Accomplishment Report)

The City will develop an annual report of Title VI accomplishments and upcoming goals, including any updates to the Title VI Program deemed necessary based on organizational policy changes, if any, and a work plan outlining Title VI monitoring and review activities planned for the upcoming City fiscal year.

Appendix A – Notice to the Public

Title VI Notice of Rights
City of Lafayette

The City of Lafayette operates its programs and services without regard to race, color, national origin, sex, disability, or age in accordance with Title VI of the Civil Rights Act of 1964. If you believe you have been subjected to discrimination as prohibited by Title VI, you may file a written complaint with the City or with CalTrans or the Federal Highway Administration. For more information or to obtain a copy of the City's Title VI complaint procedures and complaint form contact:

City of Lafayette Attn: Title VI Coordinator
3675 Mt. Diablo Blvd., #210, CA 94526
www.lovelafayette.org

Or call: 925-284-1968

If the complainant is unable to write a complaint, a representative may file on his or her behalf, or City staff will provide assistance. Complaints must be filed within 180 calendar days of the alleged incident.
FOR QUESTIONS OR ASSISTANCE IN OTHER ACCESSIBLE FORMATS SUCH AS LARGE PRINT, TDD, AUDIO, OR OTHER PLEASE CALL: (925)2841-968. USERS WITH HEARING OR SPEECH IMPAIRMENTS, USE THE CALIFORNIA RELAY SERVICE, 711, AND THEN THE NUMBER YOU NEED.

- Spanish: Si necesita servicios de traducción para otro lenguaje, aparte de Ingles, por favor llamar al 925284-1968 para asistencia.

Appendix B- Complaint Forms
English Complaint Form

Section I				
Name:				
Address:				
Telephone (Home/Cell):	Telephone (Work):			
Email:				
Do you require an accessible format?	Large Print		Audio Tape	
	TTY/TDD		Other	
Section II				
Are you filing this complaint on your own behalf?			Yes	No
If you answered "yes" to this question, go to Section IIII.				
If not, please supply the name and relationship of the person for whom you are filing:				
Have you obtained permission from this person?				
Please explain why you are filing for this person:				
Section III				
I believe the discrimination I experienced was based on (check all that apply): ( ) race ( ) color ( ) national origin ( ) sex ( ) disability ( ) age _____				
Date of Alleged Discrimination (month, day, year):				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses.				
Section IV				
Have you previously filed a Title VI complaint with the City of Lafayette?			Yes	No
Contact name:				
Telephone number:				
Section V				
Have you filed this complaint with any other federal, state or local agency or with any federal or state court?				
If yes, check all that apply:				
( ) Federal Agency:	( ) Federal Court:			
( ) State Agency:	( ) State Court:			
( ) Local Agency:	( ) Local Court:			
Please provide contact information for the person you spoke to at the above agency:				
Name:	Title:			
Agency:				
Address:				
Telephone:				

You may attach any written materials or other information that you think is relevant to your complaint. Your signature and date are required below:

Signature Date

City of Lafayette operates without regard to race, color or national origin.

If you need assistance completing this form, contact the City of Lafayette at: 925-284-1968
Email: cityhall@lovelafayette.org

Please submit this form in person or by mail to:

City of Lafayette
Title VI Coordinator, City Manager
3675 Mt. Diablo Blvd, #210
Lafayette, CA 94549
cityhall@lovelafayette.org

Appendix C – Title VI Complaint Procedures

Any person who believes she or he has been discriminated against on the basis of race, color, national origin, sex, disability or age by the City of Lafayette (hereinafter referred to as "the City") may file a Title VI complaint by completing and submitting the City's Title VI Complaint Form. The City investigates complaints received no more than 180 days after the alleged incident. The City will process complaints that are complete.

Once the complaint is received, the City will review it to determine if the City has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the City.

The City will investigate the complaint within 14 days. If more information is needed to resolve the case, the City may contact the complainant. The complainant will have 10 business days from the date of any request from the City for additional information to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, the City may administratively close the case. In addition, a case may be administratively closed if the complainant no longer wishes to pursue the case.

After the investigator reviews the complaint, they will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and any interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of any staff member, or other action will occur. If the complainant wishes to appeal the decision, they will have 15 days after the date of the closure letter or the LOF to do so.

Filing a Title VI Highway-Related Complaint with CalTrans or the Federal Highway Administration (FHWA)

For Title VI highway-related projects, the complainant has the right to submit a complaint directly to CalTrans or FHWA. To file a complaint with CalTrans, the complainant can visit or contact the following CalTrans office:

California Department of Transportation
Office of Civil Rights
Attention: Title VI Program Branch
1823 14th Street, MS 79
Sacramento, CA 95811
Email: Title.VI@dot.ca.gov

CalTrans is responsible for forwarding a complaint against the City to the FHWA Division Office to determine if the complaint falls under state or federal Title VI jurisdiction. The complainant will receive an acknowledgement letter informing them that the complaint has been received and forwarded to the FHWA.

A person(s) may also file a Title VI highway-related complaint to FHWA directly at:

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590

Per the FHWA Guidance Memorandum, *Processing of Title VI Complaints*, dated June 13, 2018, all Title VI complaints received by CalTrans will be submitted to the FHWA Headquarters Office of Civil Rights. If FHWA Headquarters Office of Civil Rights determines a Title VI complaint against the City can be investigated by CalTrans, they may delegate the task of investigating the complaint to CalTrans.

If the complaint falls under CalTrans' jurisdiction, CalTrans Office of Civil Rights (OCR) will conduct an investigation within 90 days. If additional time is needed, CalTrans OCR will call the complainant and inform them. If more information is needed to resolve the case, the CalTrans OCR investigator may contact the complainant. The complainant has ten business days from the date of the letter to send the requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within ten business days, CalTrans OCR can administratively close the case. A case can be also administratively closed if the complainant no longer wishes to pursue their case. At the conclusion of the investigation, CalTrans OCR prepares a report with findings, determines whether discrimination occurred, and will work with the City to implement any corrective actions.

CalTrans OCR will consult with FHWA Headquarters Office of Civil Rights regarding the disposition of the complaint. Disposition of a Title VI complaint will be undertaken by FHWA Headquarters, through either *(1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to all parties via the FHWA Division Office.*

As appropriate, the City's complaint procedures will be suspended pending the federal/state agency's findings.

Appendix D – Tracking of Title VI Complaints

The City is required to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, national origin, sex, disability or age:

- Active investigations
- Lawsuits
- Complaints naming the City of Lafayette

Below is the list that will be used for tracking these incidents:

Investigations, Lawsuits and Complaints

	Date (Month, Day, Year)	**Summary (Include basis of complaint: race, color, national origin)**	**Status**	**Actions Taken**
Complaints				
Investigations				
Lawsuits				

Appendix G – Title VI Program and Language Assistance Plan Staff Training Form

No person shall, on the grounds of race, color, national origin, sex, disability, or age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Employees of the City of Lafayette are expected to consider, respect, and observe this policy. Citizen questions or complaints shall be directed to the City of Lafayette Title VI Coordinator.

I hereby acknowledge receipt of City of Lafayette's Title VI Program and Language Assistance Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits of services delivered by the City of Lafayette on the basis of race, color, or national origin, as protected by Title VI.

_____

Signature

_____

Print Name

_____

Date